

**THE HON'BLE SRI JUSTICE D.S.R.VARMA
AND
THE HON'BLE SRI JUSTICE D. APPA RAO**

Taken up Writ Petition No.8722 of 2007

Date: 01-05-2007

Between:

M. Narasimha Murthy

... Petitioner/s

And

The Station House Officer,
Tadepalligudem Town Police Station,
Tadepalligudem,
West Godavari District and another.

... Respondent/s

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ORAL ORDER: (per the Hon'ble Sri Justice D.S.R. Varma)

Heard the learned Assistant Government Pleader, representing the learned Advocate General, appearing for the respondents.

2. This writ petition is taken up on the basis of a telegram, dated 18-04-2007, sent by one M. Narasimha Murthy, resident of Tanuku, West Godavari District, alleging that his sister, namely Vedurupaka Govindamma, w/o. Siva, resident of Old Town, Tanuku, was forcibly taken away from her house by D.Venkateswara Rao, Sub-Inspector of Police, Tadepalligudem; S.S.Bala Krishna, A.S.I., Tadepalligudem; and Nakkasurya Chandra Rao, Inspector of Police, Tadepalligudem, West Godavari District; and illegally detained since two days in Tadepalligudem Town Police Station, and apprehending danger to her life.

3. The Sub-Inspector of Police, Town Police Station, Tadepalligudem, West Godavari District, filed counter affidavit, *inter alia*, stating that the husband of the alleged detenu, namely Vedurupaka Siva is Accused No.5 in Crime No.66 of 2007 registered for the offence under Section 3, 4, 5, 6, 7 and 8 of Immoral Traffic Prevention Act, 1956, on the file of Tanuku Rural Police Station, on 19-04-2007. It is also stated that on 20-04-2007 the husband of the

detenu along with other detenus was enlarged on bail by the learned II Additional Judicial First Class Magistrate, Tanuku, on depositing cash of Rs.5,000/- each. The learned Magistrate enlarged them on regular bail on furnishing the sureties and importantly that the alleged detenu herself stood as surety to her husband in obtaining bail. He asserted that the alleged detenu was never detained.

4. From the above said facts, it is obvious that the alleged detenu was not in illegal custody at all, and that the complaint is totally untrue. Therefore, the writ petition is liable to be dismissed.

5. Accordingly, the writ petition is dismissed, at the stage of admission. However, there shall be no order as to costs.

JUSTICE D.S.R.VARMA

JUSTICE D. APPA RAO

01-05-2007.
Msr.

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